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| 10/008,782 | 11/13/2001 | Charles F. Chesney | 120.022US1 | 4735 |
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| LEMAIRE PATENT LAW FIRM, P.L.L.C. PO BOX 11358 ST PAUL, MN 55111 | | | TOMASZEWSKI, MICHAEL | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3626 | |

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|--------------------------------|--|
| Office Action Summary | Application No. 10/008,782 | Applicant(s) CHESNEY ET AL. | |
| | Examiner Mike Tomaszewski | Art Unit 3626 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice To Applicant

1. This communication is in response to the application filed on 13 November 2001.

Claims 1-21 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4, 7 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over David et al. (5,441,047; hereinafter David), in view of Joao (6,283,761; hereinafter Joao), and in view of Echerer (5,801,755; hereinafter Echerer).

(A) As per claim 1, David discloses an apparatus for gathering and analyzing a digitized physiological measurement comprising a computer system programmed to carry out the method of:

- (a) for a first individual,
 - (i) receiving and storing information in a measurement device identifying an individual and information specifying one or more medical parameters of the individual (David: abstract; col. 10, lines 11-51; fig. 1-10);
 - (ii) controlling the measurement device to obtain a digitized physiological measurement of the individual (David: abstract; col. 10, lines 11-51; fig. 1-10);
 - (iii) establishing a communications link between the measurement device and a central information-processing system (David: abstract; col. 10, line 52-col. 11, line 26; fig. 1-10);
 - (iv) transferring to and storing in the central information-processing system the information identifying the individual, the information specifying one or more medical parameters of the individual, and the digitized physiological measurement of the individual (David: abstract; col. 10, lines 11-51; fig. 1-10);

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- (v) storing, in the central information-processing system, information identifying the measurement device (David: abstract; col. 10, lines 11-51; fig. 1-10);
 - (vi) terminating the communications link between the measurement device and a central information-processing system (David: abstract; col. 9, lines 12-24; fig. 1-10); and
- (b) performing steps (a) (i) through (a) (vi) for a second individual (David: abstract; col. 9, lines 25-30; fig. 1-10).

David, however, fails to expressly disclose an apparatus for gathering and analyzing a digitized physiological measurement comprising a computer system programmed to carry out the method of:

- (c) creating, in the central information-processing system, a first invoice including a first billing charge for the physiological measurement of the first individual and a second billing charge for the physiological measurement of the second individual, wherein the invoice includes delivery information correlated to the information identifying the measurement device.

Nevertheless, this feature is old and well known in the art, as evidenced by Joao and Echerer. In particular, Joao and Echerer disclose an apparatus for gathering and

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analyzing a digitized physiological measurement comprising a computer system programmed to carry out the method of:

- (c) creating, in the central information-processing system, a first invoice including a first billing charge for the physiological measurement of the first individual and a second billing charge for the physiological measurement of the second individual, wherein the invoice includes information correlated to the information identifying the measurement device (Echerer: abstract; col. 2, lines 14-34; col. 4, lines 33-42; fig. 1-2); and
- (d) wherein the invoice includes delivery information (Joao: abstract; col. 23, lines 47-59; col. 24, lines 49-62; col. 37, line 35-col. 38, line 8).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Joao with the combined teachings of David and Echerer with the motivation of providing a means for processing and/or for providing healthcare information and/or healthcare-related information (Joao: col. 7, lines 61-65).

Moreover, one of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Echerer with the combined teachings of David and Joao with the motivation of providing a means for providing medical services and receiving payment for medical services rendered (Echerer: abstract).

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(B) As per claim 2, David discloses an apparatus according to claim 1, wherein the computer system is programmed to carry out the further method of:

- (a) after obtaining a predetermined number of physiological measurements of individuals into the measurement device, blocking one or more functions of the measurement device until information is transferred to the central information-processing system (David: abstract; col. 9, lines 12-24; fig. 1-10); and
- (b) once information is transferred to the central information-processing system, re-enabling the one or more functions of the measurement device (David: abstract; col. 9, lines 12-24; fig. 1-10).

(C) As per claim 4, David fails to expressly disclose an apparatus according to claim 1, further including a plurality of measurement devices, wherein computer system is programmed to carry out the further method of:

- (a) creating, in the central information-processing system, a separate invoice for each one of the plurality of measurement devices, each invoice including a billing charge and a patient identification for each physiological measurement.

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Nevertheless, this feature is old and well known in the art, as evidenced by Echerer. In particular, Echerer discloses an apparatus according to claim 1, further including a plurality of measurement devices, wherein computer system is programmed to carry out the further method of:

- (a) creating, in the central information-processing system, a separate invoice for each one of the plurality of measurement devices, each invoice including a billing charge and a patient identification for each physiological measurement (Echerer: abstract; col. 2, lines 14-34; col. 4, lines 33-42; fig. 1-2).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Echerer with the combined teachings of David and Joao with the motivation of providing a means for providing medical services and receiving payment for medical services rendered (Echerer: abstract).

- (D) As per claim 7, David fails to expressly disclose the system according to claim 5, further comprising:

an information-processing system configured to establish the communications link in response to a request from the first machine and to receive the upload

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information from the first analysis report to the information-processing system, and to generate a first invoice associated with the first machine for use of the first machine.

Nevertheless, this feature is old and well known in the art, as evidenced by Echerer. In particular, Echerer discloses the system according to claim 5, further comprising:

an information-processing system configured to establish the communications link in response to a request from the first machine and to receive the upload information from the first analysis report to the information-processing system, and to generate a first invoice associated with the first machine for use of the first machine (Echerer: abstract; col. 2, lines 14-34; col. 4, lines 33-42; fig. 1-2).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Echerer with the combined teachings of David and Joao with the motivation of providing a means for providing medical services and receiving payment for medical services rendered (Echerer: abstract).

(E) As per claim 21, David discloses an apparatus for gathering and analyzing a digitized physiological measurement comprising:

- (a) a reception device that receives data sent from each of a plurality of remote measurement devices, the data including at least one

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measurement taken by each respective remote device (David: abstract; col. 10, lines 11-35; fig. 1-10); and

- (b) a database operatively coupled to the reception device and configured to store a plurality of measurement records, each one of the records corresponding to one or more individual measurements (Joao: abstract; col. 4, lines 11-27; col. 16, lines 33-37; col. 23, lines 47-60).

David, however, fails to expressly disclose an apparatus for gathering and analyzing a digitized physiological measurement comprising:

- (c) an invoicing system operatively coupled to obtain records from the database and operable to create a first invoice including a first billing charge for a first measurement taken by a first remote measurement device and a second billing charge for a second measurement take by a second remote measurement, wherein each invoice includes delivery (Joao: abstract; col. 23, lines 47-59; col. 24, lines 49-62; col. 37, line 35-col. 38, line 8) information correlated to information identifying the respective first or second measurement device (Echerer: abstract; col. 2, lines 14-34; col. 4, lines 33-42; fig. 1-2).

Nevertheless, this feature is old and well known in the art, as evidenced by Joao and Echerer. In particular, Joao and Echerer disclose

an apparatus for gathering and analyzing a digitized physiological measurement comprising:

- (c) an invoicing system operatively coupled to obtain records from the database and operable to create a first invoice including a first billing charge for a first measurement taken by a first remote measurement device and a second billing charge for a second measurement take by a second remote measurement, wherein each invoice includes delivery information correlated to information identifying the respective first or second measurement device (Echerer: abstract; col. 2, lines 14-34; col. 4, lines 33-42; fig. 1-2); and
- (d) wherein each invoice includes delivery information (Joao: abstract; col. 23, lines 47-59; col. 24, lines 49-62; col. 37, line 35-col. 38, line 8).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Joao with the combined teachings of David and Echerer with the motivation of providing a means for processing and/or for providing healthcare information and/or healthcare-related information (Joao: col. 7, lines 61-65).

Moreover, one of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Echerer with the combined teachings of David

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and Joao with the motivation of providing a means for providing medical services and receiving payment for medical services rendered (Echerer: abstract).

4. Claims 3 and 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over David, Joao and Echerer as applied to claims 1, 9, 12, 20 and 21 above, and further in view of Chio (6,540,687; hereinafter Chio).

(A) As per claim 3, David fails to expressly disclose an apparatus according to claim 1, wherein the measurement device further includes an arterial-pulse-pressure sensor, wherein the digitized physiological measurement includes a digitized arterial-pulse-pressure waveform and one or more calculated compliance parameters, based on the arterial-pulse-pressure waveform, for a model of the vascular system of a human.

Nevertheless, this feature is old and well known in the art, as evidenced by Chio. In particular, Chio discloses an apparatus according to claim 1, wherein the measurement device further includes an arterial-pulse-pressure sensor, wherein the digitized physiological measurement includes a digitized arterial-pulse-pressure waveform and one or more calculated compliance parameters, based on the arterial-pulse-pressure waveform, for a model of the vascular system of a human (Chio: abstract; col. 23, lines 21-57; fig. 1-14).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Chio with the combined teachings of David, Joao and Echerer

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with the motivation of providing a method for diagnosing cardiovascular pathologies and determining hemodynamic parameters in a human cardiovascular system (Chio: abstract; col. 3, lines 30-33).

(B) Claims 9-20 substantially repeat the same limitations of claims 1-8 and are therefore, rejected for the same reasons given for those claims.

5. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over David and Joao.

(A) As per claim 5, David discloses a computerized system for uploading information to an information-processing system, the computerized system comprising:

- (a) a first machine that includes:
 - (i) an input port operable to obtain digital information about a first consumer (David: abstract; col. 10, lines 11-51; fig. 1-10).

David, however, fails to expressly disclose a computerized system for uploading information to an information-processing system, the computerized system comprising:

- (a) a first machine that includes:

- (ii) an analyzer operable to automatically analyze the digital information to generate a first analysis report for the first consumer, based on the digital information; and
- (b) an upload communications port operable to automatically, based on the generation of the first analysis report, establish a communications link to the information-processing system and to upload information from the first analysis report to the information-processing system, and then to disconnect the communications link.

Nevertheless, these features are old and well known in the art, as evidenced by Joao. In particular, Joao discloses a computerized system for uploading information to an information-processing system, the computerized system comprising:

- (a) a first machine that includes:
 - (ii) an analyzer operable to automatically analyze the digital information to generate a first analysis report for the first consumer, based on the digital information (Joao: abstract; col. 7, lines 33-42; col. 20, lines 21-27); and
 - (b) an upload communications port operable to automatically, based on the generation of the first analysis report, establish a communications link to the information-processing system and to

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upload information from the first analysis report to the information-processing system, and then to disconnect the communications link (Joao: abstract; col. 3, lines 33-53; col. 7, lines 33-42; col. 20, lines 21-27).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Joao with the teachings of David with the motivation of providing a means for processing and/or for providing healthcare information and/or healthcare-related information (Joao: col. 7, lines 61-65).

(B) As per claim 8, David discloses the system according to claim 5, further comprising:

- (a) an information-processing system (David: abstract; col. 10, lines 11-51; fig. 1-10); and
- (b) a second machine that includes:
 - (i) an input port operable to obtain digital information about a second consumer (David: abstract; col. 9, lines 25-30; fig. 1-10).

David, however, fails to expressly disclose the system according to claim 5, further comprising:

- (b) a second machine that includes:
 - (ii) an analyzer operable to automatically analyze the digital information to generate a second analysis report for the second consumer, based on the digital information; and
 - (iii) an upload communications port operable to automatically, based on the generation of the second analysis report, establish a communications link to the information-processing system and to upload information from the second analysis report to the information-processing system, and then to disconnect the communications link;

wherein the information-processing system is configured to establish the communications link in response to a request from the first machine and to receive the upload information from the first analysis report to the information-processing system and to generate a first invoice associated with the first machine for use of the first machine, and to establish the communications link in response to a request from the second machine and to receive the upload information from the second analysis report to the information-processing system and to generate a second invoice associated with the second machine for use of the second machine.

Nevertheless, these features are old and well known in the art, as evidenced by Joao. In particular, Joao discloses the system according to claim 5, further comprising:

- (b) a second machine that includes:
 - (ii) an analyzer operable to automatically analyze the digital information to generate a second analysis report for the second consumer, based on the digital information (Joao: abstract; col. 7, lines 33-42; col. 20, lines 21-27); and
 - (iii) an upload communications port operable to automatically, based on the generation of the second analysis report, establish a communications link to the information-processing system and to upload information from the second analysis report to the information-processing system, and then to disconnect the communications link (Joao: abstract; col. 3, lines 33-53; col. 7, lines 33-42; col. 20, lines 21-27);

wherein the information-processing system is configured to establish the communications link in response to a request from the first machine and to receive the upload information from the first analysis report to the information-processing system and to generate a first invoice associated with the first machine for use of the first machine, and to establish the communications link in response to a request from the second machine and to receive the upload information from the second analysis report to

the information-processing system and to generate a second invoice associated with the second machine for use of the second machine (Joao: abstract; col. 3, lines 33-53; col. 7, lines 33-42; col. 20, lines 21-27).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Joao with the teachings of David with the motivation of providing a means for processing and/or for providing healthcare information and/or healthcare-related information (Joao: col. 7, lines 61-65).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over David and Joao as applied to claim 5 above, and further in view of Chio.

(A) As per claim 6, David fails to expressly disclose the system according to claim 5, further comprising:

an arterial-pulse-pressure sensor operably coupled to the input port in the first machine, and wherein the digital information includes a digitized arterial-pulse-pressure waveform, and the first analysis report includes one or more calculated compliance parameters, based on the arterial-pulse-pressure waveform, for a model of the vascular system of a human, and the uploaded information includes the one or more calculated compliance parameters.

Nevertheless, this feature is old and well known in the art, as evidenced by Chio. In particular, Chio discloses the system according to claim 5, further comprising:

an arterial-pulse-pressure sensor operably coupled to the input port in the first machine, and wherein the digital information includes a digitized arterial-pulse-pressure waveform, and the first analysis report includes one or more calculated compliance parameters, based on the arterial-pulse-pressure waveform, for a model of the vascular system of a human, and the uploaded information includes the one or more calculated compliance parameters (Chio: abstract; col. 23, lines 21-57; fig. 1-14).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Chio with the combined teachings of David and Joao with the motivation of providing a method for diagnosing cardiovascular pathologies and determining hemodynamic parameters in a human cardiovascular system (Chio: abstract; col. 3, lines 30-33).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied art teaches an electronic bill presentment and payment system (6,070,150); a seat scale for health care measurement kiosk (6,403,897); an apparatus and method for blood pressure pulse

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waveform contour analysis (6,017,313); continuous cardiac output derived from arterial pressure waveform using pattern recognition (5,797,395); an apparatus and methods for the noninvasive measurement of cardiovascular system parameters (5,647,369); noninvasive hemodynamic analyzer alterable to a continuous invasive hemodynamic monitor (5,584,298); a heart-related parameters monitoring apparatus (4,834,107); a method and apparatus for non-invasive diagnosis of cardiovascular and related disorders (6,135,966); an apparatus and method for noninvasive blood pressure measurement (5,533,511); an all care management system (5,301,105); an apparatus and method for measuring and induced perturbation to determine a physical condition of the human arterial system (5,830,131); and a method for vascular impedance measurement (5,316,004).

The cited but not applied prior art also includes non-patent literature articles by Business Editors ("Industry Leaders Join Forces in Life-Saving In-Flight Technology; Virgin Atlantic, RDT, and MedAire Implement Latest in Remote Vital Signs Monitoring" Jun 2, 2000. Business Wire. pg. 1.); PR Newswire ("Hypertension Diagnostics Announces Agreement With MedWave Marketing" Aug 4, 1999. pg. 1.); and Quick, Christopher M. ("Apparent Arterial Compliance" Apr 1998. American Journal of Physiology: Heart and circulatory physiology. Vol. 43, Iss. 4. pg. H1393.).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MT



C. LUKE GILLIGAN
PATENT EXAMINER